

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Probation	(2) MEETING DATE 11/5/2013	(3) CONTACT/PHONE Chief Jim Salio, 781-1039	
(4) SUBJECT Request to authorize budget adjustments to the 2011 SLO County Public Safety Realignment Plan for FY 2013-14 totaling \$901,684 and adopt resolutions amending the Position Allocation List for Fund Center (FC) 166-Behavioral Health to add a 1.00 FTE Mental Health Therapist position and increase an existing position from 0.50 FTE to 0.75 FTE, and for FC 184 - Law Enforcement Medical Care to add a 1.00 FTE Administrative Assistant position.			
(5) RECOMMENDED ACTION It is recommended that the Board approve the following budget adjustments (items 1-6): <ol style="list-style-type: none"> 1. \$285,000 in FC 136-Sheriff for increased expenses related to the housing of AB 109 offenders in the County Jail. 2. \$151,964 in FC 184-Law Enforcement Medical Care (LEMC) for increased medical expenses related to the care of AB 109 offenders incarcerated in the County Jail. 3. \$235,761 in FC 166-Behavioral Health to provide co-occurring disorder treatment and services, expand drug testing, pay for additional sober living beds with contracted providers and complete remodel of South County Hub. 4. \$45,000 in FC 139-Probation to provide additional funding to the Liberty Tattoo Removal Program. 5. \$41,000 in FC 135-Public Defender to expand the AB 109 Specialist and Indigent Fund to a full time advocate position. 6. \$142,959 in FC 143-Court Operations to fund two legal processing clerks to handle increased workload due to AB 109 related court hearings; And, <ol style="list-style-type: none"> 7. Adopt a resolution amending the Position Allocation List (PAL) for FC 184 Law Enforcement Medical Care (LEMC) to add a 1.00 FTE Administrative Assistant III position, a 1.00 Mental Health Therapist IV position, and increase an existing Mental Health Nurse Practitioner position from 0.50 to 0.75 FTE. A four-fifths (4/5) vote of the Board is required for approval of recommendations one through six.			
(6) FUNDING SOURCE(S) Realignment Funds	(7) CURRENT YEAR FINANCIAL IMPACT \$901,684.00	(8) ANNUAL FINANCIAL IMPACT \$901,684.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) NA		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: 1314019, 1314020, 1314021, 1314022, 1314050, 1314023, 1314060, 1314061 <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 7.23.2013, 10.30.2012, 10.11.2011	
(17) ADMINISTRATIVE OFFICE REVIEW Geoff O'Quest, Administrative Analyst			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Probation / Chief Jim Salio, 781-1039

DATE: 11/5/2013

SUBJECT: Request to authorize budget adjustments to the 2011 SLO County Public Safety Realignment Plan for FY 2013-14 totaling \$901,684 and adopt resolutions amending the Position Allocation List for Fund Center (FC) 166-Behavioral Health to add a 1.00 FTE Mental Health Therapist position and increase an existing position from 0.50 FTE to 0.75 FTE, and for FC 184 - Law Enforcement Medical Care to add a 1.00 FTE Administrative Assistant position.

RECOMMENDATION

It is recommended that the Board approve the following budget adjustments (items 1-6):

1. \$285,000 in FC 136-Sheriff for increased expenses related to the housing of AB 109 offenders in the County Jail.
 2. \$151,964 in FC 184-Law Enforcement Medical Care (LEMC) for increased medical expenses related to the care of AB 109 offenders incarcerated in the County Jail.
 3. \$235,761 in FC 166-Behavioral Health to provide co-occurring disorder treatment and services, expand drug testing, pay for additional sober living beds with contracted providers and complete remodel of South County Hub.
 4. \$45,000 in FC 139-Probation to provide additional funding to the Liberty Tattoo Removal Program.
 5. \$41,000 in FC 135-Public Defender to expand the AB 109 Specialist and Indigent Fund to a full time advocate position.
 6. \$142,959 in FC 143-Court Operations to fund two legal processing clerks to handle increased workload due to AB 109 related court hearings;
- And,
7. Adopt a resolution amending the Position Allocation List (PAL) for FC 184 Law Enforcement Medical Care (LEMC) to add a 1.00 FTE Administrative Assistant III position, a 1.00 Mental Health Therapist IV position, and increase an existing Mental Health Nurse Practitioner position from 0.50 to 0.75 FTE.

A four-fifths (4/5) vote of the Board is required for approval of recommendations one through six.

DISCUSSION

Executive Summary

2011 Public Safety Realignment (AB 109), which transferred responsibility for certain lower level offenders from the state to counties, went into effect in October of 2011. The second full year of AB 109 implementation, 2013, has given the CCP partners an opportunity to assess ongoing program approaches, make midyear course corrections, and identify funding needs and program gaps for Year 3 and beyond that reflects the realities of the County's increased responsibilities to house, supervise, and treat criminal offenders. As of the end of year two the County's realignment plan is fully operational. Treatment hubs have been established in the North and South County as well as in San Luis Obispo. The Jail Program unit team is in place and consists of a Correctional Sergeant, Program Manager, Probation Officer and Drug and Alcohol Specialist, and the Probation Department hired a Program Manager for data and statistical analysis research. Although updates and revisions to the plan will be on-going as we evaluate and adjust to changing needs, the core service elements are in place.

Several key needs have been identified that helped shape the following proposed strategies for FY 2013-14:

- LEMC-Increase medical expenses beyond current approved budget allocation
- Maintain drug testing for AB 109 offenders
- Ongoing need for sober living beds
- Increase expenses for housing AB 109 offenders at the County Jail
- Funding need for the Liberty Tattoo Removal Program
- Remodeling expenses for the South County Drug and Alcohol facility
- Need for co-occurring treatment for AB 109 clients

Background

The 2011 Public Safety Realignment Act (AB 109) was signed into law on April 4, 2011. AB 109 transfers responsibility from the State to counties for offenders convicted of certain lower level felonies, defined as non-serious, non-violent, non-registered sex (N3) offenses.

This transfer of responsibility includes three groups. First, offenders convicted of new crimes in San Luis Obispo Superior Court which meet the N3 definition will now serve their sentence in county jail, rather than State prison. Second, offenders released from State prisons deemed eligible for Post Release Community Supervision (PRCS) will now be supervised by the County Probation Department, rather than the State's Division of Adult Parole. Third, parolees supervised by State Parole, will now serve time in County jail if they violate the terms of their parole and are returned to incarceration.

AB 109 required that a plan for providing for the housing, supervision and treatment of the offenders be developed and presented to the Board of Supervisors for their review and approval. The law requires the creation of an Executive Committee of the Community Corrections Partnership (CCP) tasked with creation of the Plan. (The CCP is a pre-existing body, created under Penal Code Section 1230.) The Executive Committee must include the following voting members, by agency:

- Chief Probation Officer (Jim Salio, Committee Chair)
- A Chief of Police (Robert Burton, Chief of Police, Paso Robles)
- Sheriff (Ian Parkinson)
- District Attorney (Gerald Shea)
- Public Defender (Patricia Ashbaugh)
- Presiding Judge of the Superior Court or designee (Susan Matherly, Court Executive Officer)
- A representative from the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse programs, as chosen by the Board of Supervisors (Jeff Hamm, Health Agency Administrator)

The original AB 109 implementation plan was approved by the Board of Supervisors in October of 2011 and an updated plan was presented in October of 2012.

Budget Augmentations

Agencies requesting increases to existing AB 109 allocations, or requesting to implement new programs funded by AB 109 money prepared budget augmentation requests. These requests detailed the need for the requested service and the resources required to fulfill the request. All requests were first reviewed by the CCP Finance Subcommittee for accuracy and completeness before being forwarded to the CCP Executive Committee. The CCP Executive Committee reviewed, evaluated and approved additional allocation for increased expenses in existing programs, expansion of existing programs and new programs. Increases in funding were approved for the fund centers on the following page:

AB 109 Budget			
Department	FY 13-14 Adopted	Requested Augmentation	New FY 2013-14 Total
FC 136-Sheriff's Office	\$2,429,703	\$285,000	\$2,714,703
FC 184-LEMC	\$533,435	\$151,964	\$685,399
FC 166-Behavioral Health	\$1,404,781	\$235,761	\$1,640,542
FC 139-Probation	\$701,152	\$45,000	\$746,152
FC 132 – District Attorney	\$73,077	\$0	\$73,077
FC 135-Public Defender	\$40,000	\$41,000	\$81,000
FC 143-Court Operations	\$0	\$142,959	\$142,959
TOTAL	\$5,182,148	\$901,684	\$6,083,832

Sheriff's Office

Inmate Housing Costs

The Sheriff's Office experienced additional unanticipated expenses for housing the AB 109 inmate population in FY 2012-13. The unanticipated expenses were covered using salary savings from unfilled vacancies. FY 2013-14 projections demonstrate that housing expenses will exceed the approved budget allocation by an additional \$70,000. The Sheriff's Office has completed its hiring of AB 109 funded staff and does not anticipate any vacancies and as a result, salary savings will not be available to cover this projected shortfall.

Security Costs

Security coverage is required for inmates any time they are admitted to a hospital on a 24/7 basis. In FY 2012-13, the cost of hospital security coverage for AB 109 inmates was \$10,000. The Sheriff's Office is requesting the use of AB 109 funding to cover the cost of security for these inmates in the amount of \$11,000 for FY 2013-14.

Safety Equipment

The County Jail is experiencing an increase in violence between inmates that impacts the safety of custody staff responding to intervene and control the situation. The Sheriff's Office, in response to the increase in violence, recognizes the need to form a dedicated Custody Emergency Response Team (CERT) and the deployment of specialized safety and video/audio equipment. The Sheriff's Office is requesting the use of one time AB 109 funding in the amount of \$54,000 for FY 2013-14.

Overtime

FY 2012-13 resulted in \$149,000 in overtime costs for Sheriff's AB 109 employees. This amount was covered using AB 109 salary savings. The Sheriff's Office has completed its hiring for AB 109 funded positions and does not anticipate any salary savings to cover the projected shortfall. The Sheriff's Office is requesting AB 109 funding in the amount of \$150,000 for FY 2013-14.

Medical Care-Health Agency, Law Enforcement Medical Care (LEMC)

During FY's 2011-12 and 2012-13, increased funding was made available to the LEMC program to meet the increased demand of the new AB 109 inmate population. The funding proved to be inadequate as the actual number of AB 109 inmate days and the cost of medical supplies and services exceeded the estimate. The LEMC unit continues to be challenged in meeting current demand for services with the continued growth in inmate population, as well as in the intensity of medical and related needs. This has resulted in expenses exceeding budgeted amounts for these services.

The Health Agency is requesting AB 109 funding in the amount of \$151,964 for FY 2013-14 to include the following needs:

Increased Costs for Inmate Medical Care

FY 2013/14 projections demonstrate that costs for providing medical care to AB 109 inmates will exceed the adopted budget by \$58,360. This is due to a larger number of AB 109 inmates receiving medical care at the jail than was anticipated at the time the LEMC budget was prepared.

Additional Physician Sick Call

Currently, inmates are seen by a physician by request or as follow up care ordered by the physician or nurse. In the past, the vast majority of inmates were seen within one day of request, however, this past year, physician coverage has been straining to keep up with increased demand resulting in inmates having to wait several days to a week before seeing the physician. This request will add one weekend sick call on Sunday afternoons at a cost of \$12,613.

Administrative Assistant III (1.0 FTE)

On weekends and evenings there is no administrative support. Frequently, clinical staff works alone during these times. The practice has been that the nurses and/or LVN/MHTs would be able to conduct clinical duties as well as complete clerical and administrative tasks, such as answering the phones, filing medical charts, completing requests for medical records or distributing items dropped off for inmates. Given the increased volume and pace of medical demands it is no longer possible for clinical staff to handle administrative tasks. This request will add one FTE evening clerical person to complete clinical administrative tasks and clerical duties at an annual cost of \$54,773 and a one-time cost of \$1,860 for the purchase of a computer.

Correctional Nurse Training Hours

The overlap in correctional nurses during part of a shift and the correctional supervisor can no longer handle the pace of work at its present level and tend to the training needs of new personnel. This request will add a one week training period for each new correctional nurse hired at an annual cost of \$24,358.

Behavioral Health-Drug and Alcohol Services

Drug and Alcohol Testing

Drug testing is an important measure for accountability and compliance with treatment services and Probation terms and conditions. Previous funding to pay for the testing has been paid for by a California Emergency Management Agency (CalEMA) grant, which ends December 31, 2013. At the same time, the population of AB 109 offenders in Drug and Alcohol treatment and receiving testing has increased. This request will add the following at an annual cost of \$21,000:

- Drug and Alcohol Testing and associated supplies and laboratory costs.
- Increase Drug and Alcohol Worker I temporary help hours to perform drug and alcohol testing to monitor offender compliance.
 - Increase by .25 FTE temporary help hours for a female Drug and Alcohol Worker I and .25 FTE temporary help hours for a male Drug and Alcohol Worker I for observed drug and alcohol testing.

Workers will be able to conduct drug testing services at the three hub locations throughout the County on a random and rotating schedule.

Sober Living Environment Expansion (SLE)

The AB 109 offender population has dramatically increased the need for SLEs in the County. Trend analysis demonstrates that needed bed days are projected to increase by nearly 70 percent in FY 2013-14. At the same time, supplemental grant funding to pay for the bed days ends December 31, 2013 when the CalEMA grant concludes. Housing these individuals in a SLE while engaged in community based treatment services provides for better all-around treatment of the substance abuse disorder and provides necessary time to reframe their criminal thinking. This request

will increase funds available to pay for SLE beds in the County with contracted providers in the amount of \$100,000.

Grover Beach Health Campus Remodel

Drug and Alcohol Services utilizes group therapy as the main component to all of the programs. Largely due to the AB 109 offender population, the Grover Beach office has been running larger groups for an increasing number of clients with the limited space of only three (3) group rooms. The Drug and Alcohol Services Agency is requesting the use of one time AB 109 funding in the amount of \$28,500 to remodel the Grover Beach Health Campus to add two group rooms.

Co-Occurring Disorder (COD) Services

Requests for co-occurring disorder treatment services in the hubs throughout the County has been an ongoing issue as many AB 109 offenders do not have Medi-Cal, are not eligible for Community Health Centers and/or do not meet the strict medical necessity for County Mental Health Services. This request will fund evidenced based practice such as Integrated Dual Diagnosis Treatment (IDDT) and Illness Management Recovery (IMR). This request will add a 1.00 Mental Health Therapist IV position to serve these offenders. Currently there is no Mental Health Therapist available to directly serve the AB 109 offender population in the community who do not meet medical necessity. In addition, this request will fund an increase to the existing 0.50 FTE Mental Health Nurse Practitioner position by 0.25 FTE to provide psychiatric care and medication management to AB 109 offenders which has been unavailable in the community with existing resources. The annual cost is \$137,955, and a one-time cost of \$2,000 to purchase a computer.

Probation Department

Liberty Tattoo Removal Program

Community Action Partnership's Liberty Tattoo Removal Program provides free, monthly laser tattoo removal treatment clinics for male and female offenders who have gang and anti-social tattoos that hinder them from obtaining employment, healthy relationships, and/or breaking ties to a previous gang lifestyle or addiction. The program is a critical rehabilitation service for adult offenders to assist them in moving on to a productive, pro-social lifestyle. The Liberty Tattoo Removal Program continues to be challenged in meeting current demand for services with the continued growth in inmate population and sustaining their funding. This request will add AB 109 funding in the amount of \$45,000 annually to support this critical rehabilitative service.

Public Defender

AB 109 Specialist & Indigent Fund

The Realignment Plan FY 2012 Update funded a part-time attorney position (AB 109 Specialist) to expand Public Defender services to local Specialty Courts (Prop 36, Drug Court, Adult Treatment Court, and Behavioral Health Treatment Court) and coordination with Drug and Alcohol Service Providers, Probation Department and Mental Health Providers. The Specialist also serves as the Public Defender representative on AB 109 committees and training, and served as a resource to the Public Defender staff on sentencing alternatives. The position was funded as full time starting half way through the previous fiscal year. The augmentation extends funding to include a full 12 months in current fiscal year. This request will increase funding at an annual cost of \$81,000.

Superior Court

Court Operations

The Superior Court has experienced an increased workload due to Realignment, which is affecting the Court's ability to process the court paperwork needed by Probation and the Sheriff's Office. Although the Court has received \$179,624 from the State under AB 109, it has not been enough to counter the over \$7 million in budget cuts since 2008 resulting in the loss of thirteen (13) full time legal clerk positions. When court paperwork such as prison packets or probation orders are delayed, then inmates stay longer in jail leading to overcrowding and probation offenders go a longer time in seeing their Probation Officer because cases cannot be set up in a timely manner. The Board of Supervisors on July 23, 2013 approved funding in the amount of \$142,959 to support two (2) legal clerks to process court cases related to AB 109.

FINANCIAL CONSIDERATIONS

Public Safety Realignment funds are provided to the counties by the State, and are generated from sales tax and VLF revenues. These funds are constitutionally protected. For Year 1 of implementation (FY 2011-12), San Luis Obispo County was allocated \$2,200,000, plus a one-time amount of \$155,275 for startup costs. In addition, the County was allocated \$150,000 for planning and implementation costs. In Year 2 (FY 2012-13) San Luis Obispo County was allocated \$5,179,333. There was unspent funding from FY 2011-12 carried into FY 2012-13, making the total funding available for allocation \$5,565,653. The State also allocated another \$150,000 to the County for planning and training. The CCP allocated \$4,917,434 of the available funds. At the end of FY 2012-13, there was \$664,695 in unspent funding. During FY 2012-13, Proposition 30 was passed by the voters, which resulted in the constitutional guarantee of funding for Public Safety Realignment to counties.

For Year 3 (FY 2013-14), the allocation is \$6,138,241. The allocation, in addition to the prior year unspent funds of \$664,695, makes the total available for allocation \$6,802,936. This figure does not include the \$500,000 which is the minimum amount that the CCP Executive Committee has voted to maintain in reserve. \$5,325,107 of AB 109 funding is already included in the FY 2013-14 budget. This amount was budgeted based on the assumption that the allocation for this year would at least provide for the continuation of program and resources provided by the FY 2012-13 funding of \$5,179,333 and a small amount of unspent funds from the prior fiscal year.

The CCP Executive Committee also identified some requests as being appropriate to be funded from the planning and implementation funding. These include safety equipment, computers for new positions and/or workspaces, training and a remodel of the South County Health Campus.

Budget adjustments totaling \$901,684 are requested in order to add AB 109 funding to Fund Centers 136 – Sheriff's Office; 135 – Public Defender; 139 – Probation; 143 – Court Operations; 166 – Behavioral Health; and 184 – Law Enforcement Medical Care. These budget adjustments will have no impact on the County's budgeted level of General Fund expense.

RESULTS

The Community Corrections Partnership (CCP) continues to meet monthly to monitor the County's Realignment Plan, in order to make any adjustments as necessary, and to ensure the cooperation and integration among county departments and other partners that will be critical to success. The CCP will also oversee and track the results achieved under Public Safety Realignment, in terms of public safety, reduced recidivism, and the provision of alternatives to incarceration and treatment to low level offenders.

The budget adjustments recommended for approval will enhance the existing County Public Safety Realignment Plan goals and contribute to both public safety in the community and better results for offenders within the criminal justice system. Both outcomes will make an important contribution to the County's desired community-wide results of a Safe and Healthy Community.

ATTACHMENTS

1. Resolution-Safety Realignment PAL Adjustments -FC 166 Behavioral Health
2. Resolution-Safety Realignment PAL Adjustments -FC 184 LEMC
3. Approved Budget, AB 109, 11.5.2013
4. Data Tables, AB 109, 11.5.2013